

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:19-CR-025

v.

Hon. Gordon J. Quist
U.S. District Judge

MUSE ABDIKADIR MUSE,
a/k/a ALI ALMUHAJIR,
MOHAMED SALAT HAJI,
a/k/a SALAMUJAHID ALMUHAJIR, and
MOHAMUD ABDIKADIR MUSE,
a/k/a ABU OSAMA ALMUHAJIR,

Defendants.

UNCLASSIFIED ORDER

This matter comes before the Court on the Government's motion and attached exhibits, including declarations from government officials (collectively, the Government's submission). The Government's submission was filed *ex parte*, *in camera*, and under seal with the Court on November 6, 2019 (ECF No. 85). The Court also considered a Defense *ex parte* filing, "Basis and Nature of Defenses" (ECF No. 88), in its review of the Government's submission.

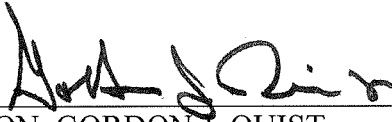
The Government's submission sought a protective order, pursuant to Section 4 of the Classified Information Procedures Act ("CIPA") and Federal Rules of Criminal Procedure 16(d)(1) and 26.2, regarding certain classified information. After consideration of the Government's submission, the Court finds that it was properly filed *ex parte*, *in camera*. The Court also finds that the Government's national security and classified information privilege was properly invoked and that disclosure of the classified information to the defense or to the public reasonably could be expected to cause serious damage to the national security. That classified information is described with particularity in the Government's submission.

The Court further finds that the classified information is not “relevant and helpful” to the defense as that term is used in *United States v. Roviato*, 353 U.S. 53 (1957), and *United States v. Yunis*, 867 F.2d 617 (D.C. Cir. 1989). Furthermore, none of the classified information is exculpatory, within the meaning of *Brady* and its progeny, nor is it material to the preparation of a defense. *See* Fed. R. Crim. P. 16.

Accordingly, IT IS ORDERED that the Government’s motion for a protective order is GRANTED; and

It is further ORDERED that the Government’s submission and the classified Order of this Court shall not be disclosed to the defense or the public and shall be sealed and preserved in the custody of the Classified Information Security Officer in accordance with established court security procedures, until further Order of this Court.

IT IS SO ORDERED, this 20th day of December, 2019.



HON. GORDON J. QUIST
United States District Judge